

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEIGH REED-PRATT,

Plaintiff,

v.

Case No. 20-12129

JANICE WINFREY,
DETROIT ELECTION COMMISSION,
and DETROIT DEPARTMENT OF ELECTIONS,

Defendants.

**ORDER TERMINATING AS MOOT PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTION**

Plaintiff Leigh Reed-Pratt brings this action for alleged violations of her procedural and substantive due process rights. (ECF No. 19, PageID.323-32.) She alleges Defendants mailed unsolicited absentee voter applications to voters in Detroit contrary to state law. (*Id.*, PageID.328-29.)

On August 10, 2020, Plaintiff moved for a temporary restraining order and a preliminary injunction. (ECF No 2.) On August 11, 2020, the court denied Plaintiff's motion for a temporary restraining order. (ECF No. 8.) After a series of orders to show cause, (ECF Nos. 17, 22, 24), the court, on September 9, 2020, stayed Plaintiff's claim pending further order of the court. (ECF No. 29, PageID.614.) Parallel state court litigation was and is taking place, and the court abstained under *Colorado River Water Conservation District v. United States* from adjudicating the federal claim. 424 U.S. 800, 817 (1976). (ECF No. 29, PageID.603-04, 614.)

On September 10, 2020, Plaintiff appealed the court's September 9 decision to the Sixth Circuit. (ECF No. 29.) The appeal was dismissed on December 7, 2020, for want of prosecution. (ECF No. 32, PageID.633.) Given that Plaintiff appeared to have abandoned her appeal, and given further that the underlying complaint was primarily directed at the November 2020 election, the court required Plaintiff to file a Notice of Intent to Proceed, (ECF No. 33), which she did on January 17, 2021. (ECF No. 34.)

Although Plaintiff intends to proceed with this matter, the case remains stayed pending the outcome of state court litigation. *See Davis v. Wayne Cnty. Election Comm'n*, Case No. 354315 (Mich. Ct. App.). (See also ECF No. 29, PageID.605-14.) However, Plaintiff's August 10 motion for preliminary injunction remains outstanding. (See ECF No. 2.) The motion asks for the court to enjoin Defendants from mailing unsolicited absentee ballot applications for the November 3, 2020, general election. (*Id.*, PageID.48-49.) Yet the November 2020 election took place over two months ago. The court cannot at this stage provide the relief Plaintiff seeks, and the motion for preliminary injunction will be terminated as moot. Accordingly,

IT IS ORDERED that Plaintiff's Motion for Preliminary Injunction (ECF No. 2) is TERMINATED AS MOOT. The litigation remains stayed pursuant to the court's September 9, 2020, Opinion and Order. (ECF No. 29.)

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 19, 2021

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 19, 2021, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

S:\Cleveland\Cleveland\JUDGE'S DESK\C2 ORDERS\20-12129.REED-PRATT.MotionforPreliminaryInjunction.docx